

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

JAMES SWAIN RIEVES,)	
)	
Plaintiff,)	Case No. 3:18-cv-0965
)	
v.)	
)	TRAUGER
TOWN OF SMYRNA, TENNESSEE,)	
ET AL.,)	
)	
Defendants.)	

ORDER OF PARTIAL DISMISSAL
DISMISSING ALL CLAIMS OF THE PLAINTIFF AGAINST
DISTRICT ATTORNEY GENERAL JENNINGS JONES AND ASSISTANT DISTRICT
ATTORNEY GENERAL JOHN ZIMMERMANN

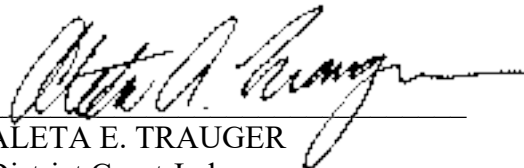
Plaintiff James Swain Rieves and Defendants District Attorney General Jennings Jones and Assistant District Attorney General John Zimmermann (“General Jones” and “General Zimmermann”), have jointly filed a motion seeking an order of dismissal of all of Plaintiff’s claims, including costs and attorneys’ fees, against General Jones and General Zimmermann pursuant to Rule 21 of the Federal Rules of Civil Procedure.

Upon review of the motion, memorandum in support and all the pleadings in this cause, the Court FINDS that the dismissal of District Attorney General Jennings Jones and Assistant District Attorney General John Zimmermann is on “just terms” as required by Fed. R. Civ. P. 21. The remaining defendants - the Town of Smyrna, Police Chief Kevin Arnold, Rutherford County, and Sheriff Mike Fitzhugh (“remaining defendants”) - do not oppose this motion. However, the remaining defendants would not join the motion or file a stipulation of dismissal because they claim that their lack of opposition does not constitute a waiver of their rights and claims, if any, against General Jones and General Zimmermann. Upon review of all the Answers

filed by the remaining defendants, docket entries 97-100, the Court FINDS that the remaining defendants do not assert any cross- or counter- claims against Defendants Jones and/or Zimmermann. (See D.E. 97, 98, 99, 100.) This Court further FINDS that this Order of Partial Dismissal does not affect its consideration of the pending motion for summary judgment filed by Rutherford County and Sheriff Fitzhugh. (See D.E. 110, 111, *generally*.) The Court further FINDS that this Order of Partial Dismissal will save party resources and potentially increase judicial efficiency.

WHEREFORE, because dismissal of General Jennings and General Zimmermann would be on “just terms,” Plaintiff’s and Defendant Jones’ and Zimmermann’s Motion for an Order of Partial Dismissal is GRANTED; and all of Plaintiff’s claims, including costs and attorneys’ fees, against General Jones and General Zimmermann, are hereby DISMISSED with prejudice.

It is so ORDERED.



ALET A. TRAUGER
District Court Judge

APPROVED FOR ENTRY:

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